

U.S. District Court
SOUTHERN DISTRICT OF TEXAS (McAllen)
CIVIL DOCKET FOR CASE #: 7:23-cv-00144
Internal Use Only

Texas Bankers Association et al v. Consumer Financial Protection Bureau et al

Assigned to: Chief Judge Randy Crane

Cause: 05:702 Administrative Procedure Act

Date Filed: 04/26/2023

Date Terminated: 09/23/2024

Jury Demand: None

Nature of Suit: 899 Other Statutes:

Administrative Procedures Act/Review or Appeal of Agency Decision

Jurisdiction: U.S. Government Defendant

Plaintiff

Texas Bankers Association

represented by **James J Butera**

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Plaintiff

Rio Bank

McAllen, Texas

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Plaintiff

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Plaintiff

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Plaintiff

**Independent Community Bankers of
America**

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V.

Defendant

Consumer Financial Protection Bureau

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Defendant

Rohit Chopra

*in his official capacity as Director of the
CFPB*

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Movant

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Movant

Credit Union National Association

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V.

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Texas Association of Community Development Corporations

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Great Rivers Community Trust, d/b/a Scale Link

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Opportunity Finance Network

represented by **Stephen Hayes**
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V.

Intervenor

**XL FUNDING, LLC d/b/a Axle
Funding, LLC**

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Intervenor

**Equipment Leasing and Finance
Association**

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Kelsey Nicole Linendoll , I
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Owen Colin Babcock

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/26/2023	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 402 receipt number ATXSDC-29814177) filed by Rio Bank McAllen, TX, Texas Bankers Association. (Attachments: # <u>1</u> Exhibit A - Embrey Declaration, # <u>2</u> Exhibit B - Sasser Declaration with Exhibit 1)(Sullivan, John) (Entered: 04/26/2023)
04/26/2023	<u>2</u>	Civil Cover Sheet by Rio Bank McAllen, TX, Texas Bankers Association, filed. (Sullivan, John) (Entered: 04/26/2023)
04/26/2023	<u>3</u>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 7/5/2023 at 09:30 AM before Chief Judge Randy Crane (by Chief Judge Randy Crane) Parties notified.(klopez, 7) (Entered: 04/26/2023)
04/28/2023	<u>4</u>	Request for Issuance of Summons as to All Defendants, Attorney General of the United States, US Attorney for the Southern District of Texas, filed. (Attachments: # <u>1</u> Continuation Summons, # <u>2</u> Continuation Summons, # <u>3</u> Continuation Summons, # <u>4</u> Continuation Summons, # <u>5</u> Continuation Summons) (Sullivan, John) (Entered: 04/28/2023)
04/28/2023	<u>5</u>	Summons Issued as to All Defendants. Issued summons delivered to plaintiff by NEF, Summons Issued as to All Defendants, U.S. Attorney and U.S. Attorney General. Issued summons returned to plaintiff by NEF, filed.(klopez, 7) (Entered: 04/28/2023)
05/03/2023	<u>6</u>	MOTION for Kevin E. Friedl to Appear Pro Hac Vice by Rohit Chopra, Consumer Financial Protection Bureau, filed. Motion Docket Date 5/24/2023. (Friedl, Kevin) (Entered: 05/03/2023)
05/04/2023	<u>7</u>	MOTION for James J. Butera to Appear Pro Hac Vice by Rio Bank, Texas Bankers Association, filed. Motion Docket Date 5/25/2023. (Sullivan, John) (Entered: 05/04/2023)
05/04/2023	<u>8</u>	MOTION for Ryan Israel to Appear Pro Hac Vice by Rio Bank, Texas Bankers Association, filed. Motion Docket Date 5/25/2023. (Sullivan, John) (Entered: 05/04/2023)
05/10/2023	<u>9</u>	ORDER granting <u>6</u> Motion for Kevin E. Friedl to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through PACER are found here. (Signed by Chief Judge Randy Crane) Parties notified. (JenniferNogueira, 7) (Entered: 05/10/2023)
05/10/2023	<u>10</u>	ORDER granting <u>7</u> Motion for James J. Butera to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through PACER are found here. (Signed by Chief Judge Randy Crane) Parties notified. (KarenL Lopez, 7) (Entered: 05/10/2023)
05/10/2023	<u>11</u>	ORDER granting <u>8</u> Motion for Ryan Israel to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through

		PACER are found here. (Signed by Chief Judge Randy Crane) Parties notified. (KarenL Lopez, 7) (Entered: 05/10/2023)
05/14/2023	<u>12</u>	First AMENDED COMPLAINT against All Defendants filed by Rio Bank, Texas Bankers Association, American Bankers Association. (Attachments: # <u>1</u> Exhibit A - Embrey Declaration, # <u>2</u> Exhibit B - Sasser Declaration with Exhibit 1, # <u>3</u> Exhibit C - O'Neill Declaration)(Sullivan, John) (Entered: 05/14/2023)
05/26/2023	<u>13</u>	Opposed MOTION for Preliminary Injunction by American Bankers Association, Rio Bank, Texas Bankers Association, filed. Motion Docket Date 6/16/2023. (Attachments: # <u>1</u> Continuation Memorandum in Support, # <u>2</u> Proposed Order Proposed Order)(Sullivan, John) (Entered: 05/26/2023)
06/09/2023	<u>14</u>	Joint MOTION for Continuance of Initial Scheduling Conference and Deadline to File Answer by Rohit Chopra, Consumer Financial Protection Bureau, filed. Motion Docket Date 6/30/2023. (Attachments: # <u>1</u> Proposed Order)(Friedl, Kevin) (Entered: 06/09/2023)
06/14/2023	<u>15</u>	AMENDED ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. (Initial Conference set for 8/8/2023 at 09:30 AM before Chief Judge Randy Crane). (Signed by Chief Judge Randy Crane) Parties notified.(JenniferNogueira, 7) (Entered: 06/14/2023)
06/16/2023	<u>16</u>	RESPONSE in Opposition to <u>13</u> Opposed MOTION for Preliminary Injunction, filed by Rohit Chopra, Consumer Financial Protection Bureau. (Attachments: # <u>1</u> Proposed Order)(Friedl, Kevin) (Entered: 06/16/2023)
06/23/2023	<u>17</u>	REPLY in Support of <u>13</u> Opposed MOTION for Preliminary Injunction, filed by American Bankers Association, Rio Bank, Texas Bankers Association. (Sullivan, John) (Entered: 06/23/2023)
06/30/2023	<u>18</u>	NOTICE <i>by Parties Regarding Potential Hearing</i> by American Bankers Association, Rio Bank, Texas Bankers Association, filed. (Sullivan, John) (Entered: 06/30/2023)
07/03/2023	<u>19</u>	ANSWER to <u>12</u> Amended Complaint/Counterclaim/Crossclaim etc., by Rohit Chopra, Consumer Financial Protection Bureau, filed.(Friedl, Kevin) (Entered: 07/03/2023)
07/06/2023	<u>20</u>	ORDER SETTING HEARING ON <u>13</u> PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION (Preliminary Injunction Hearing set for 7/27/2023 before Chief Judge Randy Crane). (Signed by Chief Judge Randy Crane) Parties notified.(JenniferNogueira, 7) (Entered: 07/06/2023)
07/06/2023	<u>21</u>	ORDER GRANTING JOINT MOTION TO CONTINUE DEFENDANTS DEADLINE TO RESPOND TO AMENDED COMPLAINT. (Signed by Chief Judge Randy Crane) Parties notified.(JenniferNogueira, 7) (Entered: 07/06/2023)
07/17/2023	<u>22</u>	NOTICE OF RESCHEDULING OF INITIAL PRETRIAL CONFERENCE. Initial Conference reset for 8/17/2023 at 09:00 AM before Chief Judge Randy Crane. (Signed by Chief Judge Randy Crane) Parties notified.(JenniferNogueira, 7) (Entered: 07/17/2023)

07/25/2023	<u>23</u>	NOTICE of <i>Supplemental Declarations</i> re: <u>13</u> Opposed MOTION for Preliminary Injunction by American Bankers Association, Rio Bank, Texas Bankers Association, filed. (Attachments: # <u>1</u> Exhibit 1 (Supplemental Declaration of Virginia O'Neill), # <u>2</u> Exhibit 2 (Supplemental Declaration of Ford Sasser)) (Sullivan, John) (Entered: 07/25/2023)
07/27/2023	<u>24</u>	ORDER SETTING VIDEO STATUS CONFERENCE Video Status Conference set for 1/19/2024 at 09:30 AM before Chief Judge Randy Crane(Signed by Chief Judge Randy Crane) Parties notified.(SandraSilva, 7) (Entered: 07/27/2023)
07/27/2023		Minute Entry for proceedings held before Chief Judge Randy Crane. MOTION HEARING held on 7/27/2023. Case called on docket. The Court announced briefing is complete and intends to grant the request for an injunction. After discussion, the Court GRANTED the relief requested limited to all the parties before the Court and members and will remain in effect until decision is received from the Supreme Court. Order by the Court, forthcoming. Appearances: John Clay Sullivan/James J. Butera, Plaintiff; Kevin E. Friedl, Defendant. (ERO:Ricardo Rodriguez), filed.(DeliaRodriguez, 7) (Entered: 07/27/2023)
07/31/2023	<u>25</u>	ORDER GRANTING <u>13</u> IN-PART AND DENYING IN-PART PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION. (Signed by Chief Judge Randy Crane) Parties notified.(JenniferNogueira, 7) (Entered: 07/31/2023)
08/04/2023	<u>26</u>	Unopposed MOTION for Leave to File Intervene by Texas First Bank, Independent Bankers Association of Texas, Independent Community Bankers of America, filed. Motion Docket Date 8/25/2023. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order)(Bowen, James) (Entered: 08/04/2023)
08/04/2023	<u>27</u>	MOTION to Appear Pro Hac Vice for Elbert Lin (Fee Paid: \$100, receipt number ATXSDC-30312057) by Independent Bankers Association of Texas, Independent Community Bankers of America, Texas First Bank, filed. Motion Docket Date 8/25/2023. (Bowen, James) (Entered: 08/04/2023)
08/04/2023	<u>28</u>	MOTION to Appear Pro Hac Vice for Erica Peterson (Fee Paid: \$100, receipt number ATXSDC-30312077) by Independent Bankers Association of Texas, Independent Community Bankers of America, Texas First Bank, filed. Motion Docket Date 8/25/2023. (Bowen, James) (Entered: 08/04/2023)
08/10/2023	<u>29</u>	ORDER granting <u>27</u> Motion for Elbert Lin to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through PACER are found here. (Signed by Chief Judge Randy Crane) Parties notified. (KarenL Lopez, 7) (Entered: 08/10/2023)
08/10/2023	<u>30</u>	ORDER granting <u>28</u> Motion for Erica Peterson to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through PACER are found here. (Signed by Chief Judge Randy Crane) Parties notified. (KarenL Lopez, 7) (Entered: 08/10/2023)
08/10/2023	<u>31</u>	ORDER VACATING ORDER SETTING INITITAL PRETRIAL CONFERENCE. Deadlines terminated. (Signed by Chief Judge Randy Crane) Parties notified.(JenniferNogueira, 7) (Entered: 08/10/2023)

08/10/2023	<u>32</u>	Unopposed MOTION to Intervene by Rally Credit Union, Credit Union National Association, Cornerstone Credit Union League, filed. Motion Docket Date 8/31/2023. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order)(Murray, Christopher) (Entered: 08/10/2023)
08/10/2023	<u>33</u>	MOTION to Appear Pro Hac Vice for Julian R. Ellis, Jr. (Fee Paid: \$100, receipt number ATXSDC-30340078) by Cornerstone Credit Union League, Credit Union National Association, Rally Credit Union, filed. Motion Docket Date 8/31/2023. (Ellis, Julian) (Entered: 08/10/2023)
08/14/2023	<u>34</u>	ORDER GRANTING <u>32</u> UNOPPOSED EMERGENCY MOTIONFOR LEAVE TO INTERVENE AND BRIEF IN SUPPORT.(Signed by Chief Judge Randy Crane) Parties notified.(JenniferNogueira, 7) (Entered: 08/14/2023)
08/14/2023	<u>35</u>	ORDER granting <u>33</u> Motion for Julian R. Ellis, Jr. to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through PACER are found here. (Signed by Chief Judge Randy Crane) Parties notified. (JenniferNogueira, 7) (Entered: 08/14/2023)
08/14/2023	<u>36</u>	MOTION to Appear Pro Hac Vice for Thomas Pinder (Fee Paid: \$100, receipt number ATXSDC-30354297) by American Bankers Association, filed. Motion Docket Date 9/5/2023. (Sullivan, John) (Entered: 08/14/2023)
08/14/2023	<u>37</u>	MOTION to Appear Pro Hac Vice for Andrew Doersam (Fee Paid: \$100, receipt number ATXSDC-30354353) by American Bankers Association, filed. Motion Docket Date 9/5/2023. (Sullivan, John) (Entered: 08/14/2023)
08/15/2023	<u>38</u>	ORDER granting <u>26</u> Motion for Leave to File.(Signed by Chief Judge Randy Crane) Parties notified.(JenniferNogueira, 7) (Entered: 08/15/2023)
08/15/2023	<u>39</u>	INTERVENOR COMPLAINT against Rohit Chopra, Consumer Financial Protection Bureau filed by Independent Bankers Association of Texas, Texas First Bank, Independent Community Bankers of America.(Bowen, James) (Entered: 08/15/2023)
08/15/2023	<u>40</u>	NOTICE of Appearance by Jennifer L. Clyde on behalf of Independent Bankers Association of Texas, Independent Community Bankers of America, Texas First Bank, filed. (Clyde, Jennifer) (Entered: 08/15/2023)
08/15/2023	<u>41</u>	INTERVENOR COMPLAINT against Rohit Chopra, Consumer Financial Protection Bureau filed by Credit Union National Association, Cornerstone Credit Union League, Rally Credit Union.(Murray, Christopher) (Entered: 08/15/2023)
08/15/2023	<u>42</u>	ORDER granting <u>37</u> Motion for Andrew Doersam to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through PACER are found here. (Signed by Chief Judge Randy Crane) Parties notified. (JenniferNogueira, 7) (Entered: 08/15/2023)
08/15/2023	<u>43</u>	ORDER granting <u>36</u> Motion for Thomas Pinder to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through PACER are found here. (Signed by Chief Judge Randy Crane) Parties notified. (JenniferNogueira, 7) (Entered: 08/15/2023)

08/15/2023	<u>44</u>	MOTION for Preliminary Injunction by Independent Bankers Association of Texas, Independent Community Bankers of America, Texas First Bank, filed. Motion Docket Date 9/5/2023. (Attachments: # <u>1</u> EX 1 - Balcer Declaration, # <u>2</u> EX 2 - Tsai Declaration, # <u>3</u> EX 3 - Williston Declaration, # <u>4</u> Proposed Order) (Bowen, James) (Entered: 08/15/2023)
08/16/2023	<u>45</u>	JOINDER in <u>44</u> MOTION for Preliminary Injunction , filed by Cornerstone Credit Union League, Credit Union National Association, Rally Credit Union. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Murray, Christopher) (Entered: 08/16/2023)
08/22/2023	<u>46</u>	RESPONSE in Opposition to <u>44</u> MOTION for Preliminary Injunction, filed by Rohit Chopra, Consumer Financial Protection Bureau. (Attachments: # <u>1</u> Proposed Order)(Friedl, Kevin) (Entered: 08/22/2023)
08/28/2023	<u>47</u>	REPLY in Support of <u>44</u> MOTION for Preliminary Injunction, filed by Independent Bankers Association of Texas, Independent Community Bankers of America, Texas First Bank. (Bowen, James) (Entered: 08/28/2023)
08/28/2023	<u>48</u>	REPLY to <u>45</u> Joinder in Support of <u>44</u> MOTION for Preliminary Injunction, filed by Cornerstone Credit Union League, Credit Union National Association, Rally Credit Union. (Murray, Christopher) (Entered: 08/28/2023)
08/28/2023	<u>49</u>	Unopposed MOTION for Leave to File Intervene by XL FUNDING, LLC d/b/a Axle Funding, LLC, Equipment Leasing and Finance Association, filed. Motion Docket Date 9/18/2023. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Proposed Order Order)(Padfield, Alan) (Entered: 08/28/2023)
08/29/2023	<u>50</u>	ORDER granting <u>49</u> Motion for Leave to File.(Signed by Chief Judge Randy Crane) Parties notified.(JenniferNogueira, 7) (Entered: 08/29/2023)
08/29/2023	<u>51</u>	INTERVENOR COMPLAINT against All Defendants filed by Equipment Leasing and Finance Association, XL FUNDING, LLC d/b/a Axle Funding, LLC. (Padfield, Alan) (Entered: 08/29/2023)
08/30/2023	<u>52</u>	NOTICE of Appearance by Owen C. Babcock on behalf of Equipment Leasing and Finance Association, XL FUNDING, LLC d/b/a Axle Funding, LLC, filed. (Babcock, Owen) (Entered: 08/30/2023)
08/30/2023	<u>53</u>	NOTICE of Appearance by Kelsey N. Linendoll on behalf of Equipment Leasing and Finance Association, XL FUNDING, LLC d/b/a Axle Funding, LLC, filed. (Linendoll, Kelsey) (Entered: 08/30/2023)
08/31/2023	<u>54</u>	EMERGENCY MOTION(Motion Docket Date 9/21/2023.), MOTION for Preliminary Injunction by Equipment Leasing and Finance Association, XL FUNDING, LLC d/b/a Axle Funding, LLC, filed. (Attachments: # <u>1</u> Exhibit "A", # <u>2</u> Exhibit "B", # <u>3</u> Proposed Order)(Padfield, Alan) (Entered: 08/31/2023)
09/08/2023	<u>55</u>	Unopposed *Emergency Motion for Leave INTERVENOR COMPLAINT against All Defendants filed by Texas Farm Credit, Farm Credit Council, Capital Farm Credit. (Attachments: # <u>1</u> Exhibit proposed Complaint, # <u>2</u> Exhibit proposed Preliminary Injunction Motion, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Proposed

		Order)(Gurwitz, Daniel) *Modified on 9/11/2023 (KarenL Lopez, 7). (Entered: 09/08/2023)
09/12/2023	<u>56</u>	MOTION to Appear Pro Hac Vice for Misha Tseytlin (Fee Paid: \$100, receipt number ATXSDC-30502239) by Capital Farm Credit, Farm Credit Council, Texas Farm Credit, filed. Motion Docket Date 10/3/2023. (Gurwitz, Daniel) (Entered: 09/12/2023)
09/12/2023	<u>57</u>	MOTION to Appear Pro Hac Vice for Joseph J. Reilly (Fee Paid: \$100, receipt number ATXSDC-30502343) by Capital Farm Credit, Farm Credit Council, Texas Farm Credit, filed. Motion Docket Date 10/3/2023. (Gurwitz, Daniel) (Entered: 09/12/2023)
09/14/2023	<u>58</u>	ORDER granting <u>56</u> Motion for Misha Tseytlin to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through PACER are found here. (Signed by Chief Judge Randy Crane) Parties notified. (JenniferNogueira, 7) (Entered: 09/14/2023)
09/14/2023	<u>59</u>	ORDER granting <u>57</u> Motion for Joseph J. Reilly to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through PACER are found here. (Signed by Chief Judge Randy Crane) Parties notified. (JenniferNogueira, 7) (Entered: 09/14/2023)
09/21/2023	<u>60</u>	RESPONSE in Opposition to <u>54</u> EMERGENCY MOTION MOTION for Preliminary Injunction, filed by Rohit Chopra, Consumer Financial Protection Bureau. (Attachments: # <u>1</u> Proposed Order)(Friedl, Kevin) (Entered: 09/21/2023)
09/27/2023	<u>61</u>	REPLY in Support of <u>54</u> EMERGENCY MOTION MOTION for Preliminary Injunction, filed by Equipment Leasing and Finance Association, XL FUNDING, LLC d/b/a Axle Funding, LLC. (Padfield, Alan) (Entered: 09/27/2023)
10/16/2023	<u>62</u>	MOTION to Appear Pro Hac Vice for Karen Bloom (Fee Exempt) by Rohit Chopra, Consumer Financial Protection Bureau, filed. Motion Docket Date 11/6/2023. (Bloom, Karen) (Entered: 10/16/2023)
10/16/2023	<u>63</u>	ANSWER to <u>39</u> Intervenor Complaint by Rohit Chopra, Consumer Financial Protection Bureau, filed.(Friedl, Kevin) (Entered: 10/16/2023)
10/16/2023	<u>64</u>	ANSWER to <u>41</u> Intervenor Complaint by Rohit Chopra, Consumer Financial Protection Bureau, filed.(Friedl, Kevin) (Entered: 10/16/2023)
10/18/2023	<u>65</u>	ORDER granting <u>62</u> MOTION to Appear Pro Hac Vice for Karen Bloom (Fee Exempt) (Signed by Chief Judge Randy Crane) Parties notified.(KarenL Lopez, 7) (Entered: 10/18/2023)
10/23/2023	<u>66</u>	ORDER granting <u>54</u> Motion for Emergency to Leave.(Signed by Chief Judge Randy Crane) Parties notified.(JenniferNogueira, 7) (Entered: 10/23/2023)
10/24/2023	<u>67</u>	COMPLAINT against All Defendants (Filing fee \$ 402 receipt number ATXSDC-30710562) filed by Farm Credit Council, Capital Farm Credit, Texas Farm Credit. (Gurwitz, Daniel) (Entered: 10/24/2023)
10/24/2023	<u>68</u>	MOTION for Preliminary Injunction by Capital Farm Credit, Farm Credit Council, Texas Farm Credit, filed. Motion Docket Date 11/14/2023.

		(Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F, # <u>7</u> Exhibit Exhibit G, # <u>8</u> Exhibit Exhibit H, # <u>9</u> Proposed Order)(Gurwitz, Daniel) (Entered: 10/24/2023)
10/26/2023	<u>69</u>	ORDER GRANTING <u>68</u> INTERVENORS MOTIONS FOR PRELIMINARY INJUNCTION.(Signed by Chief Judge Randy Crane) Parties notified. (JenniferNogueira, 7) (Entered: 10/26/2023)
10/30/2023	<u>70</u>	ANSWER to <u>51</u> Intervenor Complaint by Rohit Chopra, Consumer Financial Protection Bureau, filed.(Bloom, Karen) (Entered: 10/30/2023)
12/22/2023	<u>71</u>	ANSWER to <u>67</u> Complaint by Consumer Financial Protection Bureau, filed. (Bloom, Karen) (Entered: 12/22/2023)
01/18/2024	<u>72</u>	Joint MOTION Entry of Scheduling Order by Texas Bankers Association, filed. Motion Docket Date 2/8/2024. (Attachments: # <u>1</u> Proposed Order)(Sullivan, John) (Entered: 01/18/2024)
01/19/2024		Minute Entry for proceedings held before Chief Judge Randy Crane. STATUS CONFERENCE held on 1/19/2024. Case called on docket. The Court will issued a scheduling order as jointly requested by partes. Thereafter, the Court announced hearing will be rescheduled for six months to allow time for Court to complete briefing. Appearances: John Clay Sullivan/Ryan David Israel/ James W. Bowen, Plaintiff; Daniel Gordon Gurwitz/Karen S. Bloom/ Kevin E. Friedl/Owen Colin Babcock, Defendants. (ERO:Ricardo Rodriguez), filed.(DeliaRodriguez, 7) (Entered: 01/19/2024)
01/22/2024	<u>73</u>	ORDER. Plaintiff's Motion for Summary Judgment due by 2/16/2024. Defendant's Cross-Motion for Summary Judgment and Response due by 3/15/2024. Plaintiff's Repy due by 4/12/2024. Defendant's Repy due by 5/10/2024. Status Conference set for 6/27/2024 at 09:30 AM before Chief Judge Randy Crane. (Signed by Chief Judge Randy Crane) Parties notified. (JenniferNogueira, 7) (Entered: 01/23/2024)
01/31/2024	<u>74</u>	NOTICE of Filing of Certified List of Contents of Administrative Record by Rohit Chopra, Consumer Financial Protection Bureau, filed. (Attachments: # <u>1</u> Certification of List of Contents of Administrative Record, # <u>2</u> List of Contents of Administrative Record)(Friedl, Kevin) (Entered: 01/31/2024)
02/13/2024	<u>75</u>	Agreed MOTION to Modify Summary Judgment Briefing Schedule as to <u>73</u> Order, by Texas Bankers Association, filed. Motion Docket Date 3/5/2024. (Attachments: # <u>1</u> Proposed Order)(Sullivan, John) (Entered: 02/13/2024)
02/14/2024	<u>76</u>	ORDER Granting <u>75</u> Agreed MOTION to Modify Summary Judgment Briefing Schedule as to <u>73</u> Order, (Signed by Chief Judge Randy Crane) Parties notified. (KarenL Lopez, 7) (Entered: 02/14/2024)
02/29/2024	<u>77</u>	NOTICE of Appearance by Sarah J. Auchterlonie on behalf of Cornerstone Credit Union League, Credit Union National Association, Rally Credit Union, filed. (Auchterlonie, Sarah) (Entered: 02/29/2024)
02/29/2024	<u>78</u>	Opposed MOTION to Supplement the Administrative Record by American Bankers Association, Capital Farm Credit, Cornerstone Credit Union League,

		Credit Union National Association, Equipment Leasing and Finance Association, Farm Credit Council, Independent Bankers Association of Texas, Independent Community Bankers of America, Rally Credit Union, Rio Bank, Texas Bankers Association, Texas Farm Credit, Texas First Bank, XL FUNDING, LLC d/b/a Axle Funding, LLC, filed. Motion Docket Date 3/21/2024. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Supplement, # <u>3</u> Proposed Order)(Sullivan, John) (Entered: 02/29/2024)
03/01/2024	<u>79</u>	MOTION for Summary Judgment by American Bankers Association, Capital Farm Credit, Cornerstone Credit Union League, Credit Union National Association, Equipment Leasing and Finance Association, Farm Credit Council, Independent Bankers Association of Texas, Independent Community Bankers of America, Rally Credit Union, Rio Bank, Texas Bankers Association, Texas Farm Credit, Texas First Bank, XL FUNDING, LLC d/b/a Axle Funding, LLC, filed. Motion Docket Date 3/22/2024. (Attachments: # <u>1</u> Proposed Order)(Sullivan, John) (Entered: 03/01/2024)
03/08/2024	<u>80</u>	Unopposed MOTION for Christopher O. Murray to Withdraw as Attorney by Credit Union National Association, filed. Motion Docket Date 3/29/2024. (Murray, Christopher) (Entered: 03/08/2024)
03/08/2024	<u>81</u>	Unopposed MOTION for Julian R. Ellis Jr. to Withdraw as Attorney by Credit Union National Association, filed. Motion Docket Date 3/29/2024. (Murray, Christopher) (Entered: 03/08/2024)
03/19/2024	<u>82</u>	MOTION to Appear Pro Hac Vice for Andrea Matthews (Fee Exempt) by Rohit Chopra, Consumer Financial Protection Bureau, filed. Motion Docket Date 4/9/2024. (Matthews, Andrea) (Entered: 03/19/2024)
03/19/2024	<u>83</u>	MOTION to Appear Pro Hac Vice for Andrea Matthews (Fee Exempt) by Rohit Chopra, Consumer Financial Protection Bureau, filed. Motion Docket Date 4/9/2024. (Matthews, Andrea) (Entered: 03/19/2024)
03/20/2024	<u>84</u>	ORDER GRANTING <u>80</u> and <u>81</u> UNOPPOSED MOTIONS FOR LEAVE TO WITHDRAW AS CO-COUNSEL FOR CREDIT UNION INTERVENORS. Attorney Christopher Owen Murray and Julian R. Ellis, Jr terminated. (Signed by Chief Judge Randy Crane) Parties notified. (JenniferNogueira, 7) (Entered: 03/20/2024)
03/21/2024	<u>85</u>	RESPONSE in Opposition to <u>78</u> Opposed MOTION to Supplement the Administrative Record, filed by Rohit Chopra, Consumer Financial Protection Bureau. (Bloom, Karen) (Entered: 03/21/2024)
03/25/2024	<u>86</u>	ORDER granting <u>83</u> Motion for Andrea Matthews to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through PACER are found here. (Signed by Chief Judge Randy Crane) Parties notified. (jen7) (Entered: 03/25/2024)
03/28/2024	<u>87</u>	REPLY in Support of <u>78</u> Opposed MOTION to Supplement the Administrative Record, filed by Texas Bankers Association. (Sullivan, John) (Entered: 03/28/2024)

04/12/2024	<u>88</u>	MOTION to Appear Pro Hac Vice for Stephen F. Hayes (Fee Paid: \$100, receipt number ATXSDC-31466815) by Fresno Community Development Financial Institution d/b/a Access Plus Capital, Responsible Business Lending Coalition, filed. Motion Docket Date 5/3/2024. (Hayes, Stephen) (Entered: 04/12/2024)
04/12/2024	<u>89</u>	MOTION to Appear Pro Hac Vice for Alessandra B. Markano-Stark (Fee Paid: \$100, receipt number ATXSDC-31467094) by Fresno Community Development Financial Institution d/b/a Access Plus Capital, Responsible Business Lending Coalition, filed. Motion Docket Date 5/3/2024. (Markano-Stark, Alessandra) (Entered: 04/12/2024)
04/12/2024	<u>90</u>	RESPONSE in Opposition to <u>79</u> MOTION for Summary Judgment , filed by Rohit Chopra, Consumer Financial Protection Bureau. (Attachments: # <u>1</u> Proposed Order) (Bloom, Karen) (Entered: 04/12/2024)
04/12/2024	<u>91</u>	Cross MOTION for Summary Judgment by Rohit Chopra, Consumer Financial Protection Bureau, filed. Motion Docket Date 5/3/2024. (Attachments: # <u>1</u> Proposed Order) (Bloom, Karen) (Entered: 04/12/2024)
04/16/2024	<u>92</u>	ORDER granting <u>88</u> Motion for Stephen Hayes to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through PACER are found here. (Signed by Chief Judge Randy Crane) Parties notified. (jen7) (Entered: 04/16/2024)
04/16/2024	<u>93</u>	ORDER granting <u>89</u> Motion for Alessandra B. Markano-Stark to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through PACER are found here. (Signed by Chief Judge Randy Crane) Parties notified. (jen7) (Entered: 04/16/2024)
05/02/2024	<u>94</u>	MOTION for Leave to File Amicus Brief by Fresno Community Development Financial Institution d/b/a Access Plus Capital, Responsible Business Lending Coalition, Texas Association of Community Development Corporations, Allies for Community Business, Community First Fund, Great Rivers Community Trust, d/b/a Scale Link, Opportunity Finance Network, filed. Motion Docket Date 5/23/2024. (Attachments: # <u>1</u> Proposed Amicus Brief, # <u>2</u> Proposed Order) (Hayes, Stephen) (Entered: 05/02/2024)
05/10/2024	<u>95</u>	REPLY in Support of <u>79</u> MOTION for Summary Judgment , filed by Texas Bankers Association. (Sullivan, John) (Entered: 05/10/2024)
05/10/2024	<u>96</u>	RESPONSE in Opposition to <u>91</u> Cross MOTION for Summary Judgment , filed by Texas Bankers Association. (Sullivan, John) (Entered: 05/10/2024)
05/17/2024	<u>97</u>	NOTICE of Supreme Court Decision in CFPB v. CFSA by Rohit Chopra, Consumer Financial Protection Bureau, filed. (Friedl, Kevin) (Entered: 05/17/2024)
05/24/2024	<u>98</u>	NOTICE re CFPB v. CFSA and Scheduling by Texas Bankers Association, filed. (Sullivan, John) (Entered: 05/24/2024)
06/03/2024	<u>99</u>	NOTICE of Filing of Amended Certified List of Contents of Administrative Record by Rohit Chopra, Consumer Financial Protection Bureau, filed.

		(Attachments: # <u>1</u> Certification of List of Contents of Administrative Record, # <u>2</u> List of Contents of Administrative Record) (Friedl, Kevin) (Entered: 06/03/2024)
06/07/2024	<u>100</u>	REPLY in Support of <u>91</u> Cross MOTION for Summary Judgment , filed by Rohit Chopra, Consumer Financial Protection Bureau. (Bloom, Karen) (Entered: 06/07/2024)
06/25/2024	<u>101</u>	NOTICE of <i>Rulemaking to Extend Compliance Dates</i> by Rohit Chopra, Consumer Financial Protection Bureau, filed. (Friedl, Kevin) (Entered: 06/25/2024)
06/26/2024	<u>102</u>	ORDER RESETTING STATUS CONFERENCE (Status Conference reset for 7/29/2024 at 10:30 AM before Chief Judge Randy Crane), (Signed by Chief Judge Randy Crane) Parties notified. (kll7) (Entered: 06/26/2024)
07/29/2024	<u>103</u>	NOTICE of Appearance by Gary R. Gurwitz on behalf of Capital Farm Credit, Farm Credit Council, Texas Farm Credit, filed. (Gurwitz, Daniel) (Entered: 07/29/2024)
07/29/2024	<u>104</u>	ORDER SETTING VIDEO STATUS CONFERENCE Status Conference set for 8/27/2024 at 10:30 AM before Chief Judge Randy Crane (Signed by Chief Judge Randy Crane) Parties notified. (kll7) (Entered: 07/29/2024)
07/29/2024		Minute Entry for proceedings held before Chief Judge Randy Crane. STATUS CONFERENCE held on 7/29/2024. Case called on docket. Parties present. The issuance of the Court's opinion should be finalized by Friday, 8/10/2024. After discussion, the Court will reset for one month by further order to allow time for parties to file amended pleadings, arguments and responses. Appearances: John Clay Sullivan/Jennifer Cylde, Plaintiff; Gary Gurwitz/Misha Tseytlin/ Joseph J Reilly/Karen S Bloom, Defendants. (ERO:Jennier Noguiera), filed. (dsr7) (Entered: 07/29/2024)
08/01/2024	<u>105</u>	Joint APPENDIX by Texas Bankers Association, filed. (Attachments: # <u>1</u> Appendix Volume I, # <u>2</u> Appendix Volume II, # <u>3</u> Appendix Volume III, # <u>4</u> Appendix Volume IV, # <u>5</u> Appendix Volume V, # <u>6</u> Appendix Volume VI, # <u>7</u> Appendix Volume VII, # <u>8</u> Appendix Volume VIII, # <u>9</u> Appendix Volume IX, # <u>10</u> Appendix Volume X, # <u>11</u> Appendix Volume XI, # <u>12</u> Appendix Volume XII, # <u>13</u> Appendix Volume XIII, # <u>14</u> Appendix Volume XIV) (Sullivan, John) (Entered: 08/01/2024)
08/02/2024	<u>106</u>	NOTICE of <i>Errata</i> by Rohit Chopra, Consumer Financial Protection Bureau, filed. (Attachments: # <u>1</u> Errata Updated Opposition to Motion to Supplement the Administrative Record (ECF 85), # <u>2</u> Errata Updated Cross-Motion for Summary Judgment (ECF 91), # <u>3</u> Errata Updated Opposition to Plaintiffs' Motion for Summary Judgment (ECF 90), # <u>4</u> Errata Updated Reply in support of Defendants' Cross-Motion for Summary Judgment) (Bloom, Karen) (Entered: 08/02/2024)
08/02/2024	<u>107</u>	MOTION for Judgment by Capital Farm Credit, Farm Credit Council, Texas Farm Credit, filed. Motion Docket Date 8/23/2024. (Attachments: # <u>1</u> Proposed Order) (Gurwitz, Daniel) (Entered: 08/02/2024)

08/02/2024	<u>108</u>	MOTION to Amend by Capital Farm Credit, Farm Credit Council, Texas Farm Credit, filed. Motion Docket Date 8/23/2024. (Attachments: # <u>1</u> Exhibit Amended Complaint, # <u>2</u> Proposed Order) (Gurwitz, Daniel) (Entered: 08/02/2024)
08/02/2024	<u>109</u>	RESPONSE to <u>108</u> MOTION to Amend, <u>107</u> MOTION for Judgment filed by Texas Bankers Association. (Sullivan, John) (Entered: 08/02/2024)
08/08/2024	<u>110</u>	NOTICE <i>re America's Credit Unions Notice of Non-Objection</i> by Cornerstone Credit Union League, Credit Union National Association, Rally Credit Union, filed. (Auchterlonie, Sarah) (Entered: 08/08/2024)
08/16/2024	<u>111</u>	MOTION to Stay <i>Deadline to Respond to Farm Credit Intervenors' Motion for Judgment on the Pleadings</i> (ECF 107) by Rohit Chopra, Consumer Financial Protection Bureau, filed. Motion Docket Date 9/6/2024. (Attachments: # <u>1</u> Proposed Order) (Bloom, Karen) (Entered: 08/16/2024)
08/22/2024	<u>112</u>	OBJECTIONS to <u>111</u> MOTION to Stay <i>Deadline to Respond to Farm Credit Intervenors' Motion for Judgment on the Pleadings</i> (ECF 107) , filed by Capital Farm Credit, Farm Credit Council, Texas Farm Credit. (Gurwitz, Daniel) (Entered: 08/22/2024)
08/23/2024	<u>113</u>	REPLY in Support of <u>111</u> MOTION to Stay <i>Deadline to Respond to Farm Credit Intervenors' Motion for Judgment on the Pleadings</i> (ECF 107), filed by Rohit Chopra, Consumer Financial Protection Bureau. (Bloom, Karen) (Entered: 08/23/2024)
08/23/2024	<u>114</u>	RESPONSE in Opposition to <u>108</u> MOTION to Amend, filed by Rohit Chopra, Consumer Financial Protection Bureau. (Bloom, Karen) (Entered: 08/23/2024)
08/26/2024	<u>115</u>	MEMORANDUM OPINION AND ORDER re <u>91</u> Cross MOTION for Summary Judgment , <u>78</u> Opposed MOTION to Supplement the Administrative Record, <u>79</u> MOTION for Summary Judgment (Signed by Chief Judge Randy Crane) Parties notified. (kll7) (Entered: 08/26/2024)
08/26/2024	<u>116</u>	ORDER RESETTING STATUS CONFERENCE (Status Conference reset for 9/24/2024 at 11:00 AM before Chief Judge Randy Crane), (Signed by Chief Judge Randy Crane) Parties notified. (kll7) (Entered: 08/26/2024)
08/26/2024	<u>117</u>	ORDER Granting <u>111</u> MOTION to Stay <i>Deadline to Respond to Farm Credit Intervenors' Motion for Judgment on the Pleadings</i> (ECF 107) (Signed by Chief Judge Randy Crane) Parties notified. (kll7) (Entered: 08/26/2024)
08/29/2024	<u>118</u>	REPLY in Support of <u>108</u> MOTION to Amend, filed by Capital Farm Credit, Farm Credit Council, Texas Farm Credit. (Attachments: # <u>1</u> Exhibit EX. A) (Gurwitz, Daniel) (Entered: 08/29/2024)
08/30/2024	<u>119</u>	Opposed MOTION for Certificate of Appealability by Texas Bankers Association, filed. Motion Docket Date 9/20/2024. (Attachments: # <u>1</u> Proposed Order) (Sullivan, John) (Entered: 08/30/2024)
09/13/2024	<u>120</u>	NOTICE <i>of Withdrawal</i> re: <u>108</u> MOTION to Amend, <u>107</u> MOTION for Judgment by Capital Farm Credit, Farm Credit Council, Texas Farm Credit, filed. (Attachments: # <u>1</u> Proposed Order) (Gurwitz, Daniel) (Entered: 09/13/2024)

09/16/2024	<u>121</u>	ORDER re <u>120</u> Notice Of Withdrawal of Motions. (Signed by Chief Judge Randy Crane) Parties notified. (jen7) (Entered: 09/16/2024)
09/20/2024	<u>122</u>	RESPONSE to <u>119</u> Opposed MOTION for Certificate of Appealability , filed by Rohit Chopra, Consumer Financial Protection Bureau. (Bloom, Karen) (Entered: 09/20/2024)
09/23/2024	<u>123</u>	FINAL JUDGMENT. Case terminated on 9/23/2024.(Signed by Chief Judge Randy Crane) Parties notified. (jen7) (Entered: 09/23/2024)
10/15/2024	<u>124</u>	Opposed MOTION to Stay <i>Compliance Deadlines for CFPB's Final Rule Pending Appeal</i> by Texas Bankers Association, filed. Motion Docket Date 11/5/2024. (Attachments: # <u>1</u> Proposed Order) (Sullivan, John) (Entered: 10/15/2024)
10/23/2024	<u>125</u>	NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit re: <u>123</u> Final Judgment by Texas Bankers Association (Filing fee \$ 605, receipt number ATXSDC-32381540), filed. (Sullivan, John) (Entered: 10/23/2024)